

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

G.D. SEARLE LLC and PFIZER ASIA
PACIFIC PTE. LTD.,

Plaintiffs,

v.

LUPIN PHARMACEUTICALS, INC.,
TEVA PHARMACEUTICALS USA, INC.,
MYLAN PHARMACEUTICALS, INC.,
WATSON LABORATORIES, INC.,
APOTEX, INC. and
APOTEX CORP.,

Defendants.

Civil Action No. 13-cv-121

**WATSON LABORATORIES, INC.'S, LUPIN PHARMACEUTICALS, INC.'S, APOTEX
INC.'S AND APOTEX CORP.'S JOINT MOTION FOR SUMMARY JUDGMENT OF
INVALIDITY OF U.S. PATENT NO. RE 44,048**

Pursuant to Federal Rule of Civil Procedure 56, Defendants Watson Laboratories, Inc., Lupin Pharmaceuticals, Inc., Apotex, Inc., and Apotex Corp., by counsel, respectfully move this Court for an order granting summary judgment in favor of Defendants that the RE'048 patent is invalid. The grounds and authorities in support of this motion are set forth in the Memorandum In Support of Plaintiffs' Motion For Summary Judgment of Invalidity and in the accompanying declarations and exhibits filed therewith.

Respectfully submitted,

WATSON LABORATORIES, INC.	APOTEX INC. AND APOTEX CORP.
By: <u> /s/ </u> William R. Poynter Virginia State Bar No. 48672 Counsel for Defendant WILLIAMS MULLEN, P.C. 999 Waterside Drive Norfolk, VA 23510	By: <u> /s/ </u> Richard H. Ottinger Virginia State Bar No. 48672 Counsel for Defendant VANDEVENTER BLACK LLP 500 World Trade Ctr Norfolk, VA 23510

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of November, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

<p>Aaron Stiefel (<i>admitted pro hac vice</i>) Abigail Langsam (<i>admitted pro hac vice</i>) Daniel P. DiNapoli (<i>admitted pro hac vice</i>) Daniel L. Reisner (<i>admitted pro hac vice</i>) Jeffrey T. Martin (<i>admitted pro hac vice</i>) Soumitra Deka (<i>admitted pro hac vice</i>) Kaye Scholer LLP 425 Park Avenue New York, NY 10022-3598 astiefel@kayescholer.com abigail.langsam@kayescholer.com ddinapoli@kayescholer.com dreisner@kayscholer.com jeffrey.martin@kayescholer.com sdeka@kayescholer.com</p> <p>Stephen E. Noona Mark E. Warmbier Kaufman & Canoles PC 150 W Main St, Suite 2100 PO Box 3037 Norfolk, VA 23510 mewarmbier@kaufcan.com senoona@kaufcan.com</p> <p><i>Counsel for Plaintiffs, G.D. Searle, LLC and Pfizer Asia Pacific PTE, LTD.</i></p> <p>Robert W. McFarland McGuireWoods LLP 101 W Main St Suite 9000 Norfolk, VA 23510-1655 rmcfarland@mcguirewoods.com</p> <p>Douglas H Carsten (<i>admitted pro hac vice</i>) Elham F. Steiner (<i>admitted pro hac vice</i>) Joshua Mack (<i>admitted pro hac vice</i>) Wendy L. Devine (<i>admitted pro hac vice</i>) Wilson Sonsini Goodrich & Rosati PC</p>	<p>Brent L. VanNorman Gregory N. Stillman Sonja Garrelts Hunton & Williams 500 E Main St Suite 1000 Norfolk, VA 23510 bvannorman@hunton.com gstillman@hunton.com sgarrelts@hunton.com</p> <p>Annemarie Hassett (<i>admitted pro hac vice</i>) David Hashmall (<i>admitted pro hac vice</i>) Keith A. Zullo (<i>admitted pro hac vice</i>) Timothy J. Doyle (<i>admitted pro hac vice</i>) Goodwin Procter LLP The New York Times Building 620 Eighth Ave New York, NY 10018-1405 ahassett@goodwinprocter.com dhashmall@goodwinprocter.com kzullo@goodwinprocter.com tdoyle@goodwinprocter.com</p> <p><i>Counsel for Teva Pharmaceuticals USA, Inc.</i></p> <p>Richard H. Ottinger Dustin M. Paul Vandeventer Black LLP 500 World Trade Ctr Norfolk, VA 23510 rottinger@vanblk.com dpaul@vanblk.com</p> <p>Ian Scott (<i>admitted pro hac vice</i>) Cozen O'Connor 277 Park Ave New York, NY 10172 lscott@cozen.com</p>
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